

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-10-07)
COFFEE TIME – SCHEFFER/WATTS
JUNE 22, 2010

A report to the Flathead County Board of Adjustment regarding a request by Daniel Scheffer and Melody Watts for a conditional use permit to allow for a drive-through espresso stand in the Happy Valley zoning district.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on July 6, 2010 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is not within the advisory jurisdiction of a specific local land use advisory committee.

B. Board of Adjustment

The Flathead County Board of Adjustment will hold a public hearing regarding the proposed land use on July 6, 2010 at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building. This space is reserved for a summary of the Flathead County Board of Adjustment's discussion and decision at that hearing.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Mark Rhodes
c/o Daniel Scheffer & Melody Watts
P.O. Box 445
Kila, MT 59920
(406) 885-3004
AmyRhodes@myway.com

ii. Landowner(s)

Daniel Scheffer & Melody Watts
4899 U.S. Highway 93 North
Whitefish, MT 59937

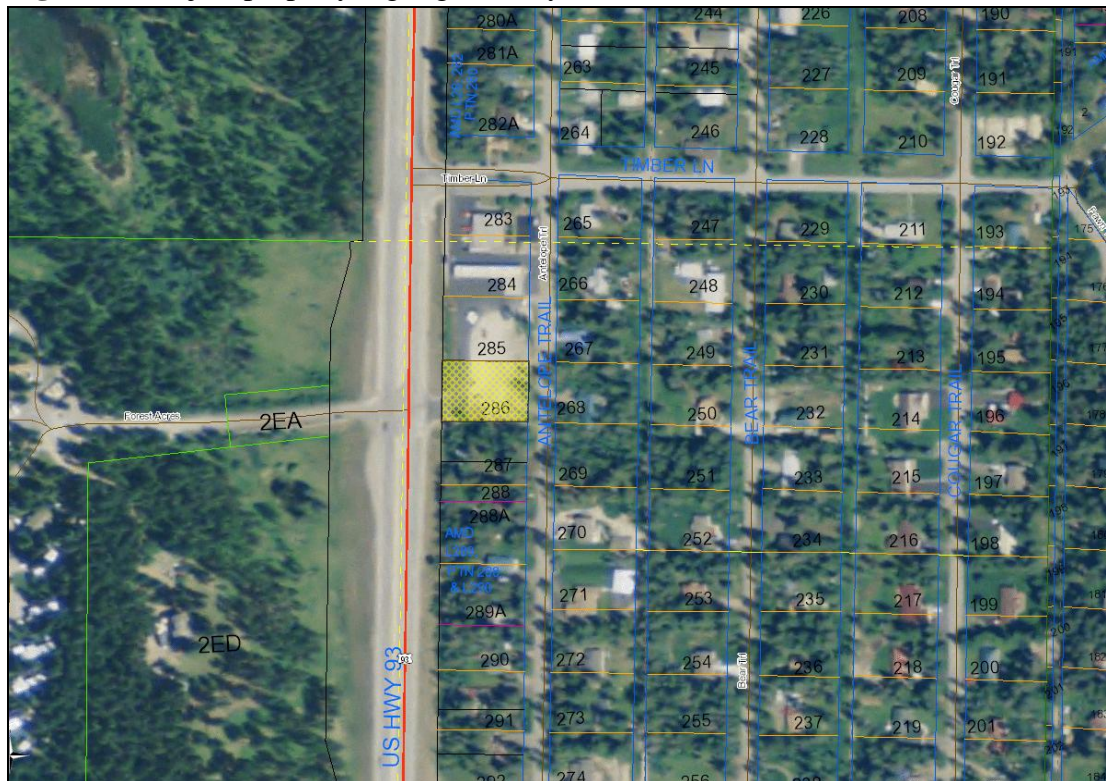
iii. Technical Assistance

(none provided)

B. Property Location and Size

The subject property is approximately ½ acre in size and is located along the east side of US Highway 93 between Whitefish and Kalispell, near the entrance to the Happy Valley Home Sites Subdivision on Timber Lane (see Figure 1 below). The property can be legally described as Lot 286 of the original Happy Valley Home Sites Subdivision located in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property highlighted in yellow.



C. Existing Land Use(s) and Zoning

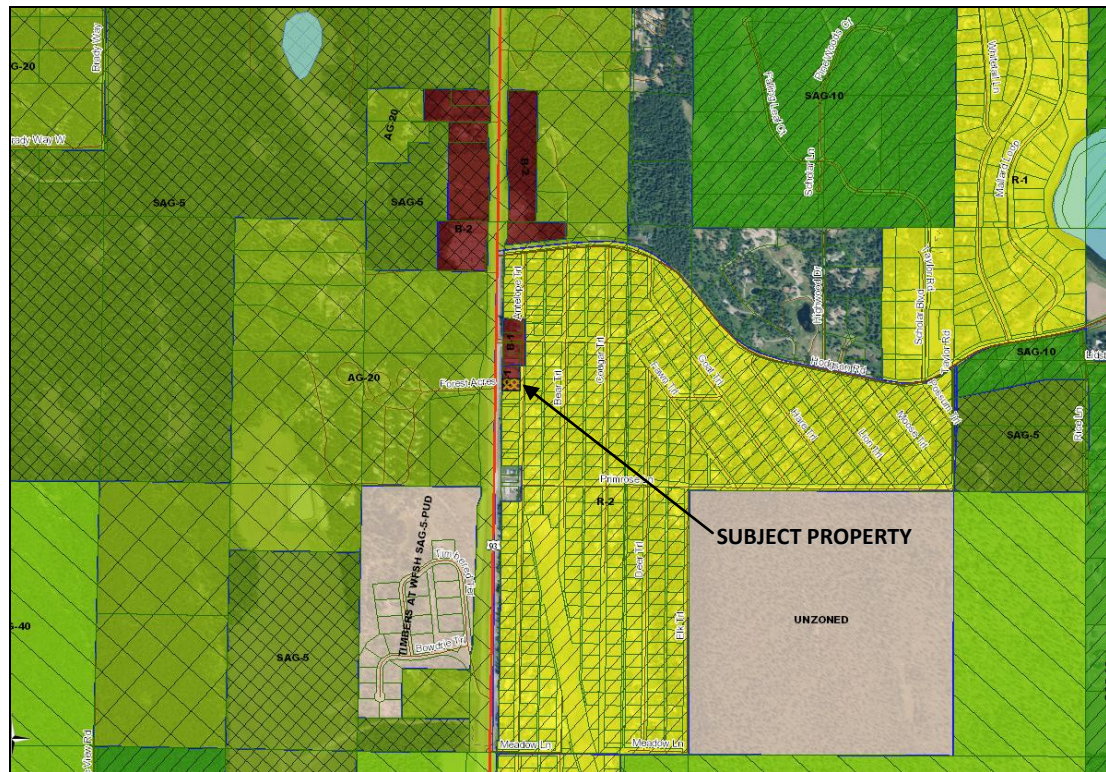
The property is currently undeveloped, is located within the Happy Valley zoning district and is zoned “B-1 Neighborhood/Professional Business”, a district intended to provide *“certain commercial and professional office uses where such uses are compatible with adjacent residential areas. This district should serve as a buffer between residential areas and other land-use districts and is intended to meet the daily needs of those nearby residents living within one (1) mile of the district. The district is not intended for those businesses that require the outdoor display, sale and/or storage of merchandise, outdoor services or operation, or outdoor consumption of food and beverages. This district shall be an island rather than a strip.”*

D. Adjacent Land Use(s) and Zoning

The general area surrounding the subject property is part of the original Happy Valley Home Sites Subdivision, a residential development created prior to the Subdivision

and Platting Act of 1973. Although the Midway Mini-Mart is located just north of the subject property and is similarly zoned “B-1 Neighborhood/Professional Business”, the area to the immediate east and south remains predominantly residential and is zoned “R-2 One Family Limited Residential” (see Figure 2 below). “AG-20 Agricultural” zoning is found to the immediate west of the subject property, although the land use is more residential than agricultural as a manufactured home park and a residential planned unit development (PUD) are located across Highway 93 and to the south. The presence of the highway has resulted in additional commercial development to the north and west of the subject property, with “B-2 General Business” extending north of Hodgson Road and along either side of Highway 93.

Figure 2: Zoning surrounding the subject property.



E. Summary of Request

The applicant has requested a conditional use permit to allow the construction of a drive-through espresso stand on the subject property. The property, along with Lot 285 to the north, recently underwent a zone change from “R-2 One Family Limited Residential” to “B-1 Neighborhood/Professional Business” (final resolution #692-C approved May 4, 2010) with the intent to submit an application for an espresso stand on one of the tracts of land. Drive-in/drive-through restaurants are listed as a conditional use under B-1 zoning [Section 3.16.030 (6)]; according to the definition, a drive-in/drive-through restaurant is *“a use wherein its retail character is dependent upon either a driveway approach and parking space on the premises for motor vehicles so as to either serve customers while in the vehicle or on the premises”* [FCZR Section 7.05.080]. A drive-through espresso stand meets the definition of a

drive-in/drive-through restaurant because the business will serve customers from their vehicles; and the request for a conditional use permit is in compliance with the applicable B-1 zoning.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on June 9, 2010, pursuant to Section 2.06.040 (3) of the Zoning Regulations. Legal notice of the public hearing on this application will be published in the June 20, 2010 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on May 21, 2010:

- Flathead County Public Works Department
 - Reason: The proposal has the potential to impact County facilities.
- Flathead County Solid Waste
 - Reason: The proposal has the potential to impact County facilities.
- Flathead City-County Health Department
 - Reason: The proposed drive-through espresso stand would utilize an existing septic drain field.
- Whitefish Rural Fire District
 - Reason: The property is located within the department's jurisdiction.
- Happy Valley Water and Sewer District
 - Reason: The property is located within and is currently served by the public water and sewer district.
- Montana Department of Transportation
 - Reason: The property has direct access onto U.S. Highway 93.
- City of Whitefish Planning Department
 - Reason: The proposal is located in proximity to the city's jurisdiction.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the proposed drive-through espresso stand. It is therefore anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for July 6, 2010. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- David Prunty and Guy Foy, Flathead County Road and Bridge Department
 - No concerns regarding the proposal.
- James Freyholtz, Montana Department of Transportation
 - Nothing to add to the original comments sent regarding the proposed zone change (reiterated below);
 - The subject property has an existing approach onto US Highway 93.

- The addition of a coffee shop in the future would not require any changes to the existing approach onto US Highway 93.
- Glen Gray, Environmental Health Services
 - The proposed facility would have to acquire approval from this office to connect to the existing on-site sewage treatment facility system serving the convenience store as there is no option for wastewater disposal.
 - Water would have to be provided by the public water district.
 - A plan review provided by this office must be completed and approved prior to construction.
 - Once the facility is built, a pre-opening inspection must be conducted; upon satisfactory completion of that inspection, an application for a food service license will be provided.
 - Operation may only begin at that time.
- James Chilton, Flathead County Solid Waste District
 - After reviewing the application the Solid Waste District views no negative impact with solid waste issues at this time.
 - The district requires that all solid waste generated at the proposed location be hauled by private hauler; North Valley Refuse is the licensed Public Service Commission licensed hauler in the area.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate usable space

As previously stated, the subject property is ½ acre in size, or approximately 21,000 sq. ft. The lot is 170 ft. deep by 125 ft. wide, exceeding the minimum lot width of 75 ft. as required in a B-1 zoning district. The dimensions of the proposed espresso stand are 12 ft. by 24 ft., for a building footprint totaling 288 sq. ft. B-1 zoning allows up to 45% of any lot to be covered by structure(s), and a building of this size would cover less than 2% of the subject property. Based on the site plan submitted, the proposed location of the structure meets the required setbacks of the district and would not exceed the maximum height restriction in a B-1 zone. The remainder of the property appears more than adequate to accommodate the parking and circulation required of the use.

Finding #1 – The subject property is suitable for the proposed use because there is adequate useable space to accommodate the proposed espresso stand, required stacking spaces and associated parking, and the proposal complies with the applicable bulk and dimensional requirements of the zoning in place.

ii. Adequate access

The subject property has an existing, paved approach onto U.S. Highway 93 South, as shown in Figure 3 below. The current approach facilitates right turn in/right turn out traffic flow when accessing the subject property, and this coupled with adequate site distances along the highway promote safe access to and from the property. Comment received from the Montana Department of Transportation indicates the existing approach meets their specifications and has been previously approved by their department. Comment also indicated traffic anticipated as a result of a drive-through espresso stand could be safely accommodated by the existing approach and would not require any changes to the existing approach permit.

Figure 3: Paved approach onto U.S. Highway 93.



Finding #2 - The site is suitable for the proposed drive-through espresso stand because the property has direct access onto U.S. Highway 93 via an existing, paved approach that would be able to accommodate the vehicle traffic created as a result of the proposed use.

iii. Absence of environmental constraints

The subject property is currently undeveloped, relatively flat and has little vegetation aside from grass. There are no streams, rivers, wetlands or riparian areas on or close to the property. The site is not conducive to wildlife and has no apparent critical wildlife habitat given its proximity to U.S. Highway 93 to the west and the Midway Mini-Mart and gas station to the north. There has been no indication of high groundwater on the subject property.

Finding #3 – The property is suitable for the commercial use proposed because the property is currently undeveloped and absent of environmental constraints including steep topography, critical wildlife habitat, riparian areas and high groundwater.

Finding #4 – The proposed parking location and design is acceptable because adequate space is available for employee parking onsite, additional visitor parking is unnecessary because no indoor seating has been proposed and the number of parking spaces shown on the site plan complies with the applicable parking and loading requirements of the zoning regulations.

ii. Traffic circulation

Most vehicle traffic will enter and exit the site using the existing paved approach onto U.S. Highway 93. Occasional traffic may utilize the paved drive that continues through the subject property to access the Midway Mini-Mart located to the north of the proposed espresso stand. The paved access drive is 24 feet wide and can accommodate two-way traffic entering and exiting the property. The area designated for circulation around the proposed espresso stand location will also be paved to a width of 24 feet on the east side to accommodate a serving lane and a passing lane and a width of 12 feet on the west side to accommodate a serving lane only (see Figure 4 above).

Setting aside adequate space for vehicle stacking associated with a drive-through restaurant establishment is an important aspect of the review process, similar to parking requirements. Section 6.07.020 of the County zoning regulations requires a minimum of 5 stacking spaces for vehicle traffic associated with drive-through windows; however, the site plan as currently shown can only accommodate 3-4 vehicle stacking spaces per drive-through window. The County zoning regulations do not distinguish between food establishments and espresso stands when designating stacking requirements for drive-through businesses, or provide any rationale for requiring five stacking spaces per window. In response to this, the applicant has referenced Section 27.26.050 (28) from the City of Kalispell Zoning Regulations, which clearly separates espresso stands from other drive-through facilities and requires a minimum of 3 stacking spaces per window for this type of use. The applicant has completed a number of other projects within the city limits using the stacking dimensions provided, and has requested the Board consider the more specific requirement of 3 stacking spaces for drive-through espresso stands instead of the more generalized 5 stacking spaces. The proposed site plan would require modification if 5 stacking spaces per window were required.

Finding #5 – The proposed site plan does not meet the design guidelines set forth in the Flathead County Zoning Regulations requiring a minimum 5 stacking spaces per drive-through window for restaurants or food establishments because current configuration only allows for 3-4 stacking spaces per drive-through window.

Finding #6 - The number of stacking spaces proposed would be reasonable based on the size and service capacity of the espresso stand, the lack of specificity for drive-through establishments in the zoning regulations and

because similar drive-through espresso stands permitted within the city limits require 3 stacking spaces per window.

iii. Open space

As previously stated, the proposed espresso stand would cover less than 2% of the subject property, and even with the associated parking and circulation areas nearly 70% of the site remains open and undeveloped. There are no performance standards applicable to a drive-in/drive-through restaurant in a B-1 zone, and no requirements to set aside open space as a result of the proposed use. Bulk and dimensional requirements limiting lot coverage (by structures) to 45% would ensure the majority of the property remains open in perpetuity.

Finding #7 – There will be adequate open space associated with the proposed espresso stand because the structure takes up a minimal amount of space on the subject property and because bulk and dimensional requirements of the applicable zoning would limit lot coverage and setbacks in the future.

iv. Fencing/screening

The applicant has proposed a 6 foot privacy fence along the south property boundary, in conformance with the applicable fence height restrictions of the zoning district [Section 3.16.040 (7)]. Section 5.05.010 of the zoning regulations specifically requires a greenbelt or privacy fence separating sites zoned commercial that have a common boundary with properties zoned residential. The fencing proposed would provide a buffer, as required, between the subject property zoned B-1 and the adjacent property zoned R-2 and still utilized for residential purposes. The east and south property boundaries have mature trees and shrubs providing additional screening between the commercial use and existing residential development.

Finding #8 – The proposed fencing is adequate and acceptable because it will provide a visual buffer from residential uses immediately south of the subject property, and will comply with the height restrictions of the applicable zoning district.

v. Landscaping

No landscaping is specifically required of the conditional use permit request; however, the application states that decorative landscaping will be placed between the access off of U.S. Highway 93 and the vehicle circulation area surrounding the espresso kiosk (see Figure 4 above).

Finding #9 – The proposed nature and location of landscaping on the subject property would be acceptable because there are no specific requirements for landscaping in a B-1 zone or based on the proposed use, and the applicant is proposing an appropriate landscaping plan voluntarily.

vi. Signage

The applicant has stated he would like to utilize the maximum allowable square footage of signage on the property, based on the applicable regulations. An existing concrete sign base is located between the paved access road and U.S. Highway 93; the applicant has proposed a ground sign advertising the espresso stand will be placed atop this base in conformance with the applicable size and setback allowances. It would appear from the site plan provided that the sign base is located between 0 and 10 linear feet from the highway right-of-way; the maximum sign face allowable at this distance would be 72 sq. ft. in accordance with Section 5.11.020 (3)(E) of the zoning regulations. This does not preclude the free-standing sign from being dual-sided in this location [FCZR Section 5.11.020 (11)(D)]. According to Section 5.11.020 (11)(A), the commercial use is permitted up to 1.5 sq. ft. of sign allowance for each lineal foot of lot frontage, for a total of 187.5 sq. ft. of allowable signage on the property itself. This square footage total can be distributed between any of the permitted sign types set forth in Section 5.11.040 (4) of the zoning regulations.

Finding #10 – Proposed signage for the drive-through espresso stand would be acceptable because there is an existing concrete sign base located on the property that will be utilized for a free-standing sign in accordance with the appropriate size and setback allowances, all signage on the property will conform with the applicable zoning regulations and will not exceed the total maximum allowable area of 187.5 sq. ft. for all signage combined.

vii. Lighting

The applicant has not proposed any exterior lighting for the drive-through espresso stand at this time. Should exterior lighting be utilized in the future, the applicant has stated it will conform to all County regulations in place. All exterior lighting onsite shall be required to comply with Section 5.11 of the zoning regulations to prevent the unwanted or unwarranted intrusion of artificial lighting in or onto areas other than the subject property. Exterior lighting should be hooded, screened or directed in such a manner as not to impact adjacent properties. Should the applicant wish to incorporate lighting into the signage as permitted, such lighting will be required to remain continuous, stationary and either directed solely at the sign or be internal to it, in compliance with Section 5.11.020 (9) of the zoning regulations.

Finding #11 – Although no specific exterior lighting or illuminated signage has been proposed at this time, it is anticipated future lighting would be acceptable because the applicant has stated all exterior lighting and illuminated signage will comply with the applicable zoning regulations.

C. Availability of Public Services and Facilities

i. Sewer

The subject property is currently served by a shared septic system that also provides service to the Midway Mini-Mart. The system was designed by

WMW Engineering and constructed in 2008 after the existing septic system for the mini-mart failed. This new system was designed to accommodate not only the existing mini-mart but also future development on Lots 285 and 286 (the subject property) to the south. The applicant will be required to obtain approval from Environmental Health Services in the Flathead City-County Health Department (FCCHD) to connect to the existing septic system for wastewater disposal. There are no bathrooms currently proposed as part of the drive-through espresso facility. Additionally, comment from the Environmental Health Department indicates the espresso stand must complete a plan review prior to beginning construction, go through a pre-opening inspection and obtain a food service license from the FCCHD prior to beginning operations.

ii. Water

The property would be served by the Happy Valley Water and Sewer District for water utilities (RSID #8). Our office received no comment or indication from the District that they would be unable to serve the subject property or proposed use. The applicant will be required to obtain a will-serve letter to ensure there is enough capacity to serve the proposed espresso prior to beginning operations.

Finding #12 – The proposed use will have minimal impact on public services and facilities because the existing shared septic system was designed and constructed to accommodate additional commercial development, the property would be served by the Happy Valley Water and Sewer District for water utilities and the drive-through espresso stand will be required to undergo review and receive approval from the Flathead City-County Health Department for these utilities and obtain a food service license prior to beginning operations.

iii. Storm Water Drainage

All stormwater runoff from impervious surfaces on the subject property currently drains into the existing drainage ditch located on the west side of the property, between the paved access road and the highway. The applicant has proposed all future stormwater run-off will be similarly directed toward this drainage ditch on the property. The size of the subject property compared to the limited amount of impervious surface created by the espresso stand and paved circulation indicates all stormwater runoff could be retained onsite. As previously discussed, parking and circulation areas in B-1 zones are required to have adequate drainage to prevent stormwater from impacting adjacent properties or draining across public walkways [Section 6.13.010 (1)].

Finding #13 – Stormwater drainage has been adequately addressed because the proposed use will result in a limited increase in impervious surface, and runoff resulting from this limited increase could be retained onsite and directed toward an existing drainage ditch that would be able to accommodate the additional run-off created.

iv. Fire Protection

The subject property is located within in the Whitefish Rural Fire District, with a fire station located approximately two miles east at the corner of Hodgson Road and Whitefish Stage. According to materials submitted with the application, there is an existing fire hydrant located 400 feet to the east of the property. The espresso stand has adequate access from U.S. Highway 93 as well as the adjacent property to the north in the event of a fire emergency.

v. Police Protection

The subject property is served by the Flathead County Sheriff's Department. Relatively quick response times would be anticipated given the property's location next to a major highway and between the urbanized areas of Kalispell and Whitefish.

vi. Streets

As previously discussed, the subject property has direct access onto U.S. Highway 93 via an existing paved approach that has previously undergone review and approval from the Montana Department of Transportation (MDT). The highway has been designed and constructed to accommodate large amounts of vehicle traffic, and comment received from MDT indicates this thoroughfare (and the existing approach) can adequately accommodate traffic generated by the proposed use.

Finding #14 - Impacts to public services and facilities are adequate and available to serve the proposed use because the subject property is in an area of the county served by the Whitefish Rural Fire District and the Flathead County Sheriff, and has direct access onto U.S. Highway 93, a state highway designed and constructed to handle high traffic volumes and is more than adequate to serve the traffic generated by the drive-through coffee stand proposed.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The 5th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual provides traffic counts for fast-food restaurants with a drive-through window and eat-in capability, but does not provide a comparable trip generation estimate for restaurants or espresso stands with no eat-in component. The application states that the location of the espresso stand will not generate additional traffic to and from the site, but will draw from existing customers visiting the mini-mart or existing vehicle traffic traveling U.S. Highway 93 between Kalispell and Whitefish. This is a reasonable assumption as there are many similar espresso stands in the Flathead Valley that serve customers who would already be traveling in the area regardless of the espresso stand's presence. The proposed drive-through on the subject property would not generate a significant or quantifiable amount of vehicle traffic but would simply take advantage of the existing traffic along U.S. Highway 93.

Finding #15 – Excessive amounts of additional vehicle traffic are not anticipated as a result of the proposed use because the espresso stand's customer base will draw from existing traffic traveling along U.S. Highway 93 and/or customers visiting the Midway Mini-Mart and gas station on the adjacent property.

ii. Noise or vibration

No excessive noise or vibration will result from the proposed drive-through espresso stand. While idling vehicles will generate a some noise, this additional noise would be consistent with and no more intrusive than the noise generated by vehicles visiting the mini-mart or traveling along U.S. Highway 93.

iii. Dust, glare or heat

The drive-through espresso stand will not produce excessive amounts of dust, glare or heat. The applicant has proposed all driving areas surrounding the kiosk will be paved to minimize dust, and the zoning regulations also require parking areas in B-1 zones to be paved or be treated with dust retardants to address this issue. The majority of the property will remain unpaved and undeveloped, reducing the heat island effect from excessive impervious surface. The proposed 6 foot privacy fence and existing vegetation will prevent any glare from vehicle headlights from impacting the neighboring residential properties to the south.

iv. Smoke, fumes, gas, or odors

There will be no excessive smoke, fumes, gas or odors created as a result of the proposed drive-through espresso stand. Similar to the discussion above, the presence of idling vehicles has the potential to increase exhaust fumes in the area. However, the modest increase in exhaust fumes would be consistent with and no more intrusive than those created by the gas station immediately north of the subject property, or the smoke and fumes resulting from traffic along the major highway to the west.

Finding #16 – Impacts resulting from the proposed drive-through espresso stand would be acceptable because the use will not generate excessive smoke, fumes, gas, odors, noise or vibration inconsistent with or more obtrusive than the adjacent mini-mart, gas station and major highway; and because impacts resulting from dust, glare, or heat will be mitigated by paving, dust control and the construction of a privacy fence along the south property boundary.

v. Inappropriate hours of operation

The applicant has proposed operating hours between 6:00 A.M. and 11:00 P.M., seven days a week (Monday through Sunday). The zoning regulations provide no guidance on what 'appropriate' hours of operation would be for a drive-in/drive-through restaurant of this nature. The hours of operation proposed are consistent with the hours of operation currently in place for the Midway Mini-Mart located on the adjacent property, which has been in operation since 1986.

Performance standards limiting the locating and direction of exterior lighting, as well as the proposed privacy fence along the south property boundary, would help to mitigate any impacts to neighboring properties resulting from the proposed hours of operation.

Finding #17 - The proposed hours of operation would be acceptable and have minimal impact on the surrounding neighborhood because the hours are consistent with the adjacent commercial use and because measures are in place to mitigate impacts to neighboring properties as a result of vehicle traffic and exterior lighting.

V. SUMMARY OF FINDINGS

1. The subject property is suitable for the proposed use because there is adequate useable space to accommodate the proposed espresso stand, required stacking spaces and associated parking, and the proposal complies with the applicable bulk and dimensional requirements of the zoning in place.
2. The site is suitable for the proposed drive-through espresso stand because the property has direct access onto U.S. Highway 93 via an existing, paved approach that would be able to accommodate the vehicle traffic created as a result of the proposed use.
3. The property is suitable for the commercial use proposed because the property is currently undeveloped and absent of environmental constraints including steep topography, critical wildlife habitat, riparian areas and high groundwater.
4. The proposed parking location and design is acceptable because adequate space is available for employee parking onsite, additional visitor parking is unnecessary because no indoor seating has been proposed and the number of parking spaces shown on the site plan complies with the applicable parking and loading requirements of the zoning regulations.
5. The proposed site plan does not meet the design guidelines set forth in the Flathead County Zoning Regulations requiring a minimum 5 stacking spaces per drive-through window for restaurants or food establishments because current configuration only allows for 3-4 stacking spaces per drive-through window.
6. The number of stacking spaces proposed would be reasonable based on the size and service capacity of the espresso stand, the lack of specificity for drive-through establishments in the zoning regulations and because similar drive-through espresso stands permitted within the city limits require 3 stacking spaces per window.
7. There will be adequate open space associated with the proposed espresso stand because the structure takes up a minimal amount of space on the subject property and because bulk and dimensional requirements of the applicable zoning would limit lot coverage and setbacks in the future.
8. The proposed fencing is adequate and acceptable because it will provide a visual buffer from residential uses immediately south of the subject property, and will comply with the height restrictions of the applicable zoning district.

9. The proposed nature and location of landscaping on the subject property would be acceptable because there are no specific requirements for landscaping in a B-1 zone or based on the proposed use, and the applicant is proposing an appropriate landscaping plan voluntarily.
10. Proposed signage for the drive-through espresso stand would be acceptable because there is an existing concrete sign base located on the property that will be utilized for a free-standing sign in accordance with the appropriate size and setback allowances, all signage on the property will conform with the applicable zoning regulations and will not exceed the total maximum allowable area of 187.5 sq. ft. for all signage combined.
11. Although no specific exterior lighting or illuminated signage has been proposed at this time, it is anticipated future lighting would be acceptable because the applicant has stated all exterior lighting and illuminated signage will comply with the applicable zoning regulations.
12. The proposed use will have minimal impact on public services and facilities because the existing shared septic system was designed and constructed to accommodate additional commercial development, the property would be served by the Happy Valley Water and Sewer District for water utilities and the drive-through espresso stand will be required to undergo review and receive approval from the Flathead City-County Health Department for these utilities and obtain a food service license prior to beginning operations.
13. Stormwater drainage has been adequately addressed because the proposed use will result in a limited increase in impervious surface, and runoff resulting from this limited increase could be retained onsite and directed toward an existing drainage ditch that would be able to accommodate the additional run-off created.
14. Impacts to public services and facilities are adequate and available to serve the proposed use because the subject property is in an area of the county served by the Whitefish Rural Fire District and the Flathead County Sheriff, and has direct access onto U.S. Highway 93, a state highway designed and constructed to handle high traffic volumes and is more than adequate to serve the traffic generated by the drive-through coffee stand proposed.
15. Excessive amounts of additional vehicle traffic are not anticipated as a result of the proposed use because the espresso stand's customer base will draw from existing traffic traveling along U.S. Highway 93 and/or customers visiting the Midway Mini-Mart and gas station on the adjacent property.
16. Impacts resulting from the proposed drive-through espresso stand would be acceptable because the use will not generate excessive smoke, fumes, gas, odors, noise or vibration inconsistent with or more obtrusive than the adjacent mini-mart, gas station and major highway; and because impacts resulting from dust, glare, or heat will be mitigated by paving, dust control and the construction of a privacy fence along the south property boundary.
17. The proposed hours of operation would be acceptable and have minimal impact on the surrounding neighborhood because the hours are consistent with the adjacent

commercial use and because measures are in place to mitigate impacts to neighboring properties as a result of vehicle traffic and exterior lighting.

VI. RECOMMENDATION

Upon review of this application, the request for a drive-through espresso stand on the subject property is supported by the review criteria and 17 Findings of Fact listed above. Staff therefore recommends that the Flathead County Board of Adjustment adopt staff report FCU-10-07 as findings of fact and approve the conditional use permit, subject to the following 12 conditions:

VII. CONDITIONS

1. The operation of a drive-through espresso stand on the subject property shall be in substantial conformance with the original application and site plan submitted and approved by the Board of Adjustment.
2. Changes or modifications to the approved use(s) or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment.
3. The approved use shall conform with the applicable bulk and dimensional requirements of a B-1 Neighborhood/Professional Business zone, including but not limited to setbacks, building height and lot coverage [FCZR Section 3.16.040].
4. A minimum of 2 parking spaces shall be set aside on the subject property to accommodate employee and visitor traffic generated by the espresso stand, in accordance with applicable zoning regulations [FCZR Section 6.07.020].
5. All required parking and circulation associated with the proposed drive-through espresso stand shall meet the applicable design guidelines set forth in the zoning regulations requiring adequate drainage, parking space delineation and a graded a stabilized dust-free surface that is either treated with dust-retardant or paved [FCZR Section 6.13.010].
6. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations; a total of 187.5 sq. ft. of sign area shall be permitted for the subject property and may be distributed between types of signs pursuant to Section 5.11.040(4)(D). The free-standing ground sign to be located on the existing concrete base shall not exceed 72 sq. ft. per sign face, in accordance with 5.11.020(3)(E).
7. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
8. Hours of operation for the drive-through espresso stand shall be from 6:00 AM to 11:00 PM seven days a week (Monday through Sunday).
9. A six (6) foot privacy fence shall be constructed along the south property boundary to mitigate impacts to neighboring residential properties.
10. The proposed drive-through espresso stand shall complete a plan review prior to beginning construction, followed by a pre-opening inspection and obtain a food service license from Environmental Health Services prior to operation.

Documentation confirming the completion of this requirement shall be available upon request.

11. The proposed drive-through espresso stand will be required to connect to the Happy Valley Water and Sewer District (RSID #8) for water service prior to operation. A will-serve letter or similar documentation confirming the completion of this requirement shall be available upon request.
12. The proposed drive-through espresso stand shall undergo review and receive approval from Environmental Health Services to connect to the existing on-site sewage treatment system for wastewater disposal prior to operation. Documentation confirming the completion of this requirement shall be available upon request.